



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



JENNIFER M. GRANHOLM
GOVERNOR

MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

February 27, 2006

MEMORANDUM

TO: State Board of Education

FROM: Michael Flanagan, Chairman 

SUBJECT: Approval of Criteria for a Grant for Dispute Resolution Under the
Individuals with Disabilities Education Act (IDEA 2004)

Under the Individuals with Disabilities Education Act (IDEA 2004), Section 615, state agencies shall ensure that procedures are established and implemented to allow parties to resolve disputes involving any matter relating to the identification, evaluation or educational placement of the student, or provision of a free appropriate public education, including matters arising prior to the filing of a complaint or due process hearing.

A statewide project will provide an alternative form of conflict resolution related to due process hearings and complaints. The project will provide a system for conducting dispute resolutions which includes, but is not limited to: training mediators, processing requests for mediation, collecting data, developing and maintaining a manual of procedures and publications, and evaluating program effectiveness. The project will provide training to school district personnel and parents in communication, negotiating, and conflict resolution. The project will also provide district personnel and parent training and technical assistance in Individualized Education Program/Individualized Family Service Plan facilitation.

Criteria for this grant are presented in the attachment.

It is recommended that the State Board of Education approve criteria for a grant for Dispute Resolution under the Individuals with Disabilities Education Act (IDEA 2004) as identified in the Superintendent's memorandum dated February 27, 2006.

STATE BOARD OF EDUCATION

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**MICHIGAN
STATE BOARD OF EDUCATION**

**Criteria for a Grant for Dispute Resolution Under the Individuals with Disabilities
Education Act (IDEA 2004)**

The State Board of Education has adopted as its Strategic Goal "Attain substantial and meaningful improvement in academic achievement for all students/children, with primary emphasis on high priority schools and students." In addition, the State Board has adopted the following five Strategic Initiatives to implement the goal:

- Ensuring Excellent Educators
- Elevating Educational Leadership
- Embracing the Information Age
- Ensuring Early Childhood Literacy
- Integrating Communities and Schools

To the extent possible, all grant criteria and grant awards will include priority consideration of the Strategic Goal and the Strategic Initiatives.

BACKGROUND/PURPOSE OF GRANT

☒ Competitive ☐ Formula ☐ New ☐ Continuation

A statewide project will provide an alternative form of conflict resolution related to due process hearings and complaints. The project will provide a system for conducting dispute resolutions which includes, but is not limited to: training mediators, processing requests for mediation, collecting data, developing and maintaining a manual of procedures and publications, and evaluating program effectiveness. The project will provide training to school district personnel and parents in communication, negotiating and conflict resolution. The project also will provide district personnel and parent training and technical assistance in Individualized Education Program/Individualized Family Service Plan facilitation.

LEGISLATION

Under the Individuals with Disabilities Education Act (IDEA 2004), Section 615, state agencies shall ensure that procedures are established and implemented to allow parties to resolve disputes involving any matter relating to the identification, evaluation or educational placement of the student, or provision of a free appropriate public education, including matters arising prior to the filing of a complaint or due process hearing.

The IDEA 2004 mandates the development and implementation of a State Performance Plan (SPP). The SPP was developed, with stakeholder input, and submitted to the U.S. Department of Education, Office of Special Education Programs, in December 2005. The SPP included improvement strategies and annual benchmarks in key performance indicators for a period of six years. Progress on implementation of the SPP will be reported annually through the Annual Performance Report, also submitted to the U.S. Department of Education, Office of Special Education Programs.

The SPP Indicator #19 is Mediated Agreements: Percent of mediations held that resulted in mediation agreements.

Michigan must provide mediation services at no cost to parents and educators across the state. The program will provide training for mediators with the assistance of trainers who specialize in early intervention and special education law and mediation. Mediation is a

voluntary process in which a neutral third party helps the disputing parties reach their own resolution. The neutral third party has no authority to decide the case, and the parties have no obligation to reach an agreement. If an agreement is reached, the parties sign a written document expressing the terms of the agreement, and each party receives a copy. The written agreement is enforceable in court.

RATIONALE FOR CRITERIA

The IDEA 2004, Section 615, states that, "Any State educational agency or local educational agency that receives assistance under this part shall ensure that procedures are established and implemented to allow parties to disputes involving any matter, including matters arising prior to the filing of a complaint pursuant to subsection (b)(6), to resolve such disputes through a mediation process."

CRITERIA

☐ Defined in Legislation ☒ Defined in Department's Grant ☐ Proposed by Staff

The statewide grant for Dispute Resolution will be awarded based on the documented capacity and expertise to achieve the following four outcomes:

- Increase formal mediation activity.
- Decrease hearing/complaint activity.
- Increase facilitated complaint resolution.
- Provide conflict resolution trainings and assess effectiveness.

ELIGIBLE APPLICANTS

Eligible applicants include: Intermediate and local school districts, including public school academies; institutions of higher education; professional organizations; private non-profit agencies; and others with demonstrated expertise in providing the products and services specified in the request for proposals.

TARGET POPULATION TO BE SERVED BY GRANT

Infants, toddlers, children, and youth with disabilities and the adults who support them who are served through Part C or Part B of IDEA 2004 will have mediation services available to them.

TOTAL FUNDS AVAILABLE

Up to \$350,000 from Part B is available under the IDEA 2004 allocation to Michigan for FY 2006-2007, as identified in the approved spending plan for Michigan. Funding for up to five years will be available contingent upon successful delivery of grant specifications and availability of federal funds.

OFFICE ADMINISTERING GRANT/PROGRAM CONTACT

Office of Special Education and Early Intervention Services
Jacquelyn J. Thompson, Ph.D., Director
Program Contact: Ann Omans, Acting Supervisor